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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DAVID AND NATASHA WIT, et al.,

Plaintiffs,

v.

UNITED BEHAVIORAL HEALTH,

Defendant.

GARY ALEXANDER, et al.,

Plaintiffs,

v.

UNITED BEHAVIORAL HEALTH,

Defendant.

Case No. 3:14-CV-02346-JCS
Related Case No. 3:14-CV-05337-JCS

**JOINT CASE MANAGEMENT
STATEMENT**

Next Event: Case Management Conference

Date: June 23, 2023
Time: 2:00 p.m.
Judge: Hon. Joseph C. Spero

Pursuant to Civil Local Rule 16-10(d) and the Court's April 7, 2023 Civil Minute Order (*Wit* ECF No. 599), Plaintiffs and Defendant, by and through their respective counsel, submit the following Joint Case Management Statement. The parties' last Joint Case Management Statement was filed January 13, 2023. (ECF No. 592.)

I. Status of Appellate Proceedings

UBH appealed the injunction and final judgment; the appeals were consolidated by the Court of Appeals on February 12, 2021. Briefing on the appeal was completed on June 2, 2021, and the Court of Appeals heard oral argument on August 11, 2021. On March 22, 2022, the Court of Appeals entered a memorandum disposition of the appeal reversing the Judgment. Plaintiffs filed a Petition for Panel Rehearing and Rehearing En Banc ("First Petition for Rehearing") on May 5, 2022. Defendant filed a response to the First Petition for Rehearing on June 16, 2022 and Plaintiffs filed a reply on June 23, 2022.

On January 26, 2023, the Court of Appeals issued an order withdrawing its March 22, 2022 memorandum disposition and replacing it with a new Opinion. The new Opinion affirmed in part and reversed in part this Court's liability and class certification rulings. On January 27, 2023, the Court issued a corrected version of the Opinion. Plaintiffs filed a Petition for Panel Rehearing and Rehearing En Banc ("Second Petition for Rehearing") on March 10, 2023. Defendant filed a response to the Second Petition for Rehearing on April 20, 2023. Plaintiffs filed a motion for leave to file a reply brief in support of the Second Petition for Rehearing on April 25, 2023, and Defendant filed a response to Plaintiffs' motion for leave to file a reply brief on April 26, 2023. The Second Petition for Rehearing is currently pending.

UBH also appealed the Court's January 5, 2022 Order Granting in Part and Denying in Part Plaintiffs' Petition for Attorneys' Fees and Costs (ECF No. 569). The Court of Appeals stayed the briefing schedule on that appeal until resolution of the merits appeal, No. 20-17363. The parties have agreed that the fee appeal should remain in abeyance pending the resolution of Defendants' appeal on the merits.

II. Status of Remedial Proceedings

On March 28, 2022, this Court entered a Stipulation and Order staying the Remedies

1 Order and further proceedings before the Special Master, including the Special Master's First
2 Order and the Special Master's Second Order, and any enforcement thereof pending the issuance
3 of mandate from the Ninth Circuit on the merits appeal.

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5 Respectfully Submitted:

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7 Dated: June 16, 2023

ZUCKERMAN SPAEDER LLP

8 /s/ Caroline E. Reynolds

9 Caroline E. Reynolds
Adam Abelson

10 PSYCH-APPEAL, INC.
11 Meiram Bendat

12 *Attorneys for Plaintiffs*

13 Dated: June 16, 2023

CROWELL & MORING LLP

14 /s/ Jennifer S. Romano

15 Jennifer S. Romano
16 April N. Ross
Nathaniel P. Bualat
Andrew Holmer

17 *Attorneys for Defendant United Behavioral Health*
18

19
20 **ATTESTATION**

21 Pursuant to Civil Local Rule 5-1(h)(3) regarding signatures, I attest that concurrence in
22 the filing of this document has been obtained from the other signatories.

23 Dated: June 16, 2023

24 /s/ Caroline E. Reynolds
Caroline E. Reynolds